

REMARKS

Claims 1-14 are pending in the present application. Claims 1-12 are rejected. Claim 2 is herein canceled. Claims 1, 3-6, 9-11 and 13 are herein amended. New claims 15 and 16 have been added. No new matter has been entered.

Claim Objections

Claims 13 and 14 are objected to under 37 C.F.R. §1.75(c) as being in improper form. Applicants herein amend claim 13 to depend only on claim 1, and introduce new claim 15, which represents claim 13, but depended from claim 12. Applicants submit that this corrects the objections to the claims.

Claim Rejections - 35 U.S.C. §112

Claims 10 and 11 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner notes that claim 10 uses the term “organic component”, which is unclear as to whether it is the derived organic component of claim 8 or the additional organic component of claim 9. The Examiner further notes that the organic component in claim 8 is derived from either the colloid or the core but cannot be devoid of both because it is present in the preceding claim.

Applicants herein amend claim 9 to depend from claim 7, and clarify that a portion of the organic component is derived from the metal colloid particle or the core material, and a portion

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Amendment under 37 C.F.R. §1.111
Amendment filed: June 15, 2006

of the organic component is not derived from the metal colloid particle or the core material.
Applicants submit that this corrects the asserted indefiniteness.

Applicants note that claim 10 should depend from claim 7, rather than claim 8.
Applicants make this amendment herein.

Following the above amendments:

Claim 7 introduces an organic component;

Claim 8 specifies that the organic component is derived from the metal colloid or core material;

Claim 10 specifies that the organic component is not derived from the metal colloid or core material; and

Claim 9 specifies that the organic component is partially derived from the metal colloid or core material and partially not derived from the metal colloid or core material.

The Examiner rejects claim 11, which recites the limitation “said organic component” with regard to “any of claims 6-10”. The Examiner notes that there is insufficient antecedent basis for this limitation in claim 6.

Applicants herein amend claim 11 should depend from claims 7-10, instead of 6-10.
Applicants make the amendment herein.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1-4 and 6 are rejected under 35 U.S.C. §102(b) as being anticipated by Ito et al. (US 4,976,787 A).

Applicants herein amend claim 1 to more carefully define the invention. Thereafter, Applicants disagree with the rejection because not all of the claimed limitations are met by the cited reference.

Applicants note that the invention of amended claim 1 is a metal colloid luster color material as attached sheets. Particularly, the metal colloid particle of the present invention shows a color due to plasmon absorption.

Ito et al. does not disclose “the metal colloid particle showing a color due to plasmon absorption”. In the pigment of Ito et al., a metallic layer is formed on at least one surface of the substrate. And it is the metallic layer that imparts metallic luster (col. 3, lines 6-7). However, as the metallic layer of the pigment of Ito et al. imparts metallic luster, the metallic layer having such a metallic luster does not show the color due to plasmon absorption.

In examples of Ito et al., silver (1-C-3), gold (2-C-3), red (3-C-3), blue (5-C-3) or green (6-C-3) colored pigment are manufactured (col. 13, line 66 – col. 14, line 65). These colors are attained by light interference (col. 15, line 11-12). Therefore, the colors of pigments of Examples of US4976787A are not attained by plasmon absorption.

Because this limitation is not met by the cited reference, Applicants submit that the present invention of amended claim 1 is patentably distinct and should not be rejected under U.S.C. §102 over Ito et al.

Claim Rejections - 35 U.S.C. §103

Claims 5, 7-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ito et al. (US 4,976,787 A) in view of Phillips et al. (US 6,676,741 B2).

The Examiner admits that Ito et al. do not expressly state that an organic compound is present in the metal colloid luster color material nor does the reference expressly state its use in a method of adhesion, derived from the metal colloid material or the core material or poor solvent.

The Examiner asserts that Phillips et al. discloses that chemical methods of deposition and electroless plating methods are typically limited to materials that involve organic solvents for metals such as silver that can be readily deposited by electroless processes (col. 2, lines 48-52). The Examiner concludes that it would have been obvious that the electroless deposition processes in Ito et al. would necessarily have used an organic solvent in the deposition process as disclosed by Phillips et al., therefore it would have been obvious to one of ordinary skill in the art that an organic solvent would necessarily have been used in contacting the core material with the metal to be deposited thereupon.

Following the present clarifying amendments, Applicants disagree with the rejection because even if the references were properly combined, not all of the claimed limitations are met by the cited combination of references.

As taught in the present invention, when using a metal colloid luster color material of the present invention, a unique appearance can be obtained without any organic color material that is deficient in weather resistance as the color material.

In the present invention, such a unique appearance can be obtained when the metal colloid particle constituting the metal colloid luster color material shows a color due to plasmon absorption, rather than metallic luster.

So, the essence of a material colloid luster color material of the present invention is to obtain a unique appearance by unique colors due to plasmon absorption.

Neither Ito et al. nor Phillips et al. disclose the essence such a unique appearance by unique colors due to plasmon absorption at all.

As mentioned above, in the pigment of Ito et al. the appearance of the metallic luster only occurs on the metallic layer, and a unique color due to plasmon absorption does not occur.

Furthermore, in the examples of Ito et al. the appearance of light interference only occurs, and a unique color due to plasmon absorption does not occur.

Similarly, Phillips et al. only discloses an interference pigment, and does not disclose a unique color due to plasmon absorption at all. Therefore, even if the references were properly combined, not all of the claimed limitations are met by the cited combination of references.

Therefore, Applicants submit that claim 1, as herein amended, is patentably distinct from even the combination of the cited references, and should not be rejected under U.S.C. §103(a) on the basis of the cited documents.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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